

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS OCAMPO, *et al.*,

Plaintiffs,

- against -

455 HOSPITALITY LLC, *et al.*,

Defendants.

Case No. 7:14-cv-09614-KMK

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Alexander Sirotkin and Browne & Appel, LLC hereby respectfully move this Court for an Order granting summary judgment:

- (i) dismissing all of Plaintiffs' claims against them;
- (ii) in the alternative, dismissing:
  - a. Plaintiffs' Fair Labor Standards Act ("FLSA") claims against Mr. Sirotkin and Browne & Appel, LLC to the extent that the FLSA claims allege violations occurring prior to August 1, 2017; and
  - b. Plaintiffs' New York Labor Law claims and the breach of contract claim against Mr. Sirotkin and Browne & Appel, LLC to the extent that those claims allege violations or a breach occurring prior to August 1, 2013; and
- (iii) granting such other relief as may be just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to an Order of this Court dated as of October 22, 2020, Plaintiffs are required to serve and file any opposition to this motion no later than January 8, 2021 and Defendants shall file any reply thereto no later January 22, 2021.

**PLEASE TAKE FURTHER NOTICE** that oral argument on the Motion, if any, will be on a date and at a time designated by the Court.

Dated: December 21, 2020  
White Plains, NY

LACHTMAN COHEN P.C.

By: /s/ Gregory A. Blue  
Gregory A. Blue (GB-9569)  
245 Main Street, Suite 230  
White Plains, NY 10601  
Tel: (914) 505-6654  
Email: gblue@lcpclaw.com

*Attorneys for Defendants  
Alexander Sirotkin and Browne & Appel, LLC*

TO: ALL COUNSEL OF RECORD (VIA ECF)